

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DAVID ROSNER,

Plaintiff,

-against-

NORTHSTAR LOCATION SERVICES, LLC.,

Defendant(s).

CV 12 - 3437  
MATSUMOTO, J.  
MANN, M.J.

Civil Action No. **FILED**  
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 10 2012 ★

COMPLAINT  
BROOKLYN OFFICE

DEMAND FOR JURY TRIAL

**SUMMONS ISSUED**

Plaintiff DAVID ROSNER ("Plaintiff"), by and through his attorneys, M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant NORTHSTAR LOCATION SERVICES, LLC., hereinafter referred to as "Defendant(s)", respectfully sets forth, complains and alleges, upon information and belief, the following:

#### **INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action on his own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

#### **PARTIES**

2. Plaintiff is a resident of the State of New York, residing at 138 Penn St., Brooklyn, NY 11211.

3. Defendant NORTHSTAR LOCATION SERVICES, LLC. is a New York corporation with their main office at 4285 Genessee St, Cheektowaga, NY 14225-1943.

4. Plaintiff is a "consumer" as defined by the FDCPA, 15 USC § 1692 a (3).

5. Defendants are "debt collectors" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

### **JURISDICTION AND VENUE**

6. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

### **FACTUAL ALLEGATIONS**

8. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "7" herein with the same force and effect as if the same were set forth at length herein.

9. On information and belief, Defendant, on behalf of a third-party or itself as purchaser of the debt, began collecting an alleged consumer debt.

10. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff from approximately Feb 4<sup>th</sup>, 2012, 2011 by leaving a message to his home phone number, 347.772.1941.

11. The Defendant's message contained the required disclosures under 15 USC §1692 e (11) that the Defendants are debt collectors; attempting to collect a debt, and that any information would be used for that purpose.

12. The Defendant violated 15 USC §1692 c (b) when the Plaintiff's brother, heard the Defendant's message.

**FIRST CAUSE OF ACTION**  
***(Violations of the FDCPA)***

13. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "12" herein with the same force and effect as if the same were set forth at length herein.

14. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 USC §1692 c (b.)

15. As a result of Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

16. Plaintiff DAVID ROSNER hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**


**WHEREFORE**, Plaintiff DAVID ROSNER demands judgment from the Defendants NORTHSTAR LOCATION SERVICES,LLC. as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC §1692k(2)(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k(a)(3);
- E. A declaration that the Defendant's practices violated the FDCPA;

F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York  
July 9<sup>th</sup>, 2012

Respectfully submitted,

By:   
M. Harvey Rephen, (MR3384), Esq.  
M. HARVEY REPHEN & ASSOCIATES, P.C.  
708 Third Avenue, 6<sup>th</sup> Floor  
New York, New York 10017  
Phone: (212) 796-0930  
Facsimile: (212) 330-7582

*Attorney for the Plaintiff David Rosner*

To: Northstar Location Services, LLC  
4285 Genesee St.  
Cheektowaga, NY 14225-1943

*(Via Prescribed Service)*

Clerk,  
United States District Court, Eastern District of New York  
*(For Filing Purposes)*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CASE NO.:

DAVID ROSNER,

Plaintiff,

-against-

NORTHSTAR LOCATION SERVICES, LLP.

Defendant(s).

---

COMPLAINT

---

*M. HARVEY REPHEN & ASSOCIATES, P.C.  
708 Third Avenue, 6<sup>th</sup> Floor  
New York, New York 10017  
Phone: (212) 796-0930  
Facsimile: (212) 330-7582*

---